



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 1712 (Cy.222)

2012 No. 1712 (W.222)

**PLANT A PHOBL IFANC,
CYMRU**

**CHILDREN AND YOUNG
PERSONS, WALES**

Rheoliadau Byrddau Lleol ar gyfer
Diogelu Plant (Cymru) (Diwygio)
2012

The Local Safeguarding Children
Boards (Wales) (Amendment)
Regulations 2012

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Byrddau Lleol ar gyfer Diogelu Plant (Cymru) 2006 sy'n darparu ar gyfer swyddogaethau Byrddau Lleol Cymru ar gyfer Diogelu Plant o ran yr amcan a osodwyd ar eu cyfer gan adran 32 o Ddeddf Plant 2004.

These Regulations amend the Local Safeguarding Children Board (Wales) Regulations 2006 which provide for functions of Welsh Local Safeguarding Children Boards in relation to the objective set for them by section 32 of the Children Act 2004.

Mae'r Rheoliadau hyn yn cyflwyno adolygiadau ymarfer plant sy'n disodli adolygiadau achos difrifol yng Nghymru y darparwyd ar eu cyfer yn rheoliad 4 o Rheoliadau Byrddau Lleol ar gyfer Diogelu Plant (Cymru) 2006.

These Regulations introduce child practice reviews which replace serious case reviews in Wales which were provided for in regulation 4 of the Local Safeguarding Children Board (Wales) Regulations 2006.

Mae rheoliad 3 yn rhoi adolygiadau ymarfer plant yn lle adolygiadau achos difrifol.

Regulation 3 replaces serious case reviews with child practice reviews.

Mae rheoliad 4 yn gwneud darpariaeth ar gyfer cynnal adolygiadau ymarfer plant.

Regulation 4 makes provision for the carrying out of child practice reviews.

Mae rheoliad 5 yn gwneud darpariaeth ar gyfer rhaglen flynyddol o fforymau proffesiynol amlasiantaethol.

Regulation 5 makes provision for an annual programme of multi-agency professional forums.

2012 Rhif 1712 (Cy.222)

**PLANT A PHOBL IFANC,
CYMRU**

**Rheoliadau Byrddau Lleol ar gyfer
Diogelu Plant (Cymru) (Diwygio)
2012**

Gwnaed 30 Mehefin 2012
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 3 Gorffennaf 2012
Yn dod i rym 1 Ionawr 2013

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 32(2) a (3), 34(1) a 66(1) o Ddeddf Plant 2004(1), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Byrddau Lleol ar gyfer Diogelu Plant (Cymru) (Diwygio) 2012.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ionawr 2013.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(4) Yn y Rheoliadau hyn, ystyr "y Prif Reoliadau" ("*the Principal Regulations*") yw Rheoliadau Byrddau Lleol ar gyfer Diogelu Plant (Cymru) 2006(2).

Diwygio rheoliad 2 o'r Prif Reoliadau

2.—(1) Yn rheoliad 2(1) o'r Prif Reoliadau (dehongli)—

(a) hepgorer y diffiniadau o "adroddiad trosolwg" ("*overview report*") ac "adolygiad achos difrifol" ("*serious case review*");

(1) Trosglwyddwyd y pŵer a roddwyd i Gynulliad Cenedlaethol Cymru i wneud rheoliadau o dan Ddeddf Plant 2004 i Weinidogion Cymru o dan Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(2) O.S. 2006/1705 (Cy.167).

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**CHILDREN AND YOUNG
PERSONS, WALES**

**The Local Safeguarding Children
Boards (Wales) (Amendment)
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Made 30 June 2012
*Laid before the National
Assembly for Wales* 3 July 2012
Coming into force 1 January 2013

The Welsh Ministers, in exercise of the powers conferred on them by sections 32(2) and (3), 34(1) and 66(1) of the Children Act 2004(1) make the following Regulations:

**Title, commencement, application and
interpretation**

1.—(1) The title of these Regulations is the Local Safeguarding Children Boards (Wales) (Amendment) Regulations 2012.

(2) These Regulations come into force on 1 January 2013.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations "the Principal Regulations" ("*y Prif Reoliadau*") means the Local Safeguarding Children Boards (Wales) Regulations 2006(2).

**Amendment of regulation 2 of the Principal
Regulations**

2.—(1) In regulation 2(1) of the Principal Regulations (interpretation)—

(a) omit the definitions of "overview report" ("*adroddiad trosolwg*") and "serious case review" ("*adolygiad achos difrifol*");

(1) The power conferred on the National Assembly for Wales to make regulations under the Children Act 2004 was transferred to the Welsh Ministers under Schedule 11 to the Government of Wales Act 2006.

(2) S.I. 2006/1705 (W.167).

(b) mewnosoder y canlynol yn y rhestr o ddiffiniadau yn y manau priodol yn nhrefn yr wyddor—

"ystyr "adolygiad ymarfer plant" ("*child practice review*") yw naill ai adolygiad ymarfer plant cryno fel y darperir ar ei gyfer yn rheoliad 4A(3) neu adolygiad ymarfer plant estynedig fel y darperir ar ei gyfer yn rheoliad 4A(4);

ystyr "cofrestr amddiffyn plant" ("*child protection register*") yw rhestr a grëir ac a gynhelir gan awdurdod lleol ac sy'n cynnwys enwau plant sy'n destun cynllun amddiffyn plant o ganlyniad i benderfyniad mewn cynhadledd amddiffyn plant fod y plentyn mewn perygl parhaus o niwed arwyddocaol ar ffurf camdriniaeth gorfforol, camdriniaeth emosiynol, camdriniaeth rywiol neu esgeulustod;

ystyr "cynllun gweithredu" ("*action plan*") yw cynllun ysgrifenedig y mae'r Bwrdd yn ei lunio ar yr un pryd â'r adroddiad ar yr adolygiad ymarfer plant, gan fanylu ar y camau sydd i'w cymryd gan y cyrff cynrychioliadol o ganlyniad i ganfyddiadau ac argymhellion adroddiad ar yr adolygiad ymarfer plant;

ystyr "digwyddiad dysgu amlasiantaethol" ("*multi-agency learning event*") yw digwyddiad sy'n ffurfio rhan o'r broses adolygu ymarfer plant ac y mae'r Bwrdd yn gwahodd iddo ymarferwyr a rheolwyr o gyrff cynrychioliadol, ac unrhyw gyrff neu bobl eraill y mae Cadeirydd y Bwrdd yn eu hystyried yn berthnasol ac sy'n ymwneud, neu sydd wedi ymwneud, â'r plentyn(1) sy'n destun yr adolygiad, er mwyn gwella polisi ac ymarfer amddiffyn plant yn y dyfodol;

ystyr "fforwm proffesiynol amlasiantaethol" ("*multi-agency professional forum*") yw fforwm a drefnir ac a hwylusir gan y Bwrdd ar gyfer ymarferwyr a rheolwyr o gyrff cynrychioliadol, a chyrrff neu bobl eraill y mae Cadeirydd y Bwrdd yn eu hystyried yn berthnasol, er mwyn dysgu oddi wrth achosion, archwiliadau, arolygiadau ac adolygiadau a gwella polisi ac ymarfer amddiffyn plant yn y dyfodol;

ystyr "plentyn sy'n derbyn gofal" ("*looked after child*") yw plentyn sy'n derbyn gofal gan awdurdod lleol o dan adran 22(1) o Ddeddf Plant 1989(2);

ystyr "yn ysgrifenedig" ("*in writing*") yw ar ffurf electronig neu mewn llawysgrif."

(2) Yn rheoliad 3(1)(d) o'r Prif Reoliadau (Swyddogaethau Bwrdd o ran ei amcan), yn lle'r geiriau "adolygiadau achos difrifol" rhodder "adolygiadau ymarfer plant".

(b) insert the following into the list of definitions in the appropriate places in the alphabetical order—

"action plan" ("*cynllun gweithredu*") means a written plan produced by the Board at the same time as the child practice review report, detailing action to be taken by the representative bodies as a result of the findings and recommendations of a child practice review report;

"child practice review" ("*adolygiad ymarfer plant*") means either a concise child practice review as provided for in regulation 4A(3) or an extended child practice review as provided for in regulation 4A(4);

"child protection register" ("*cofrestr amddiffyn plant*") means a list created and held by a local authority which contains the names of children who are the subject of a child protection plan as a result of a decision of a child protection conference that the child is at continuing risk of significant harm in the form of physical abuse, emotional abuse, sexual abuse or neglect;

"in writing" ("*yn ysgrifenedig*") means electronically or in manuscript;

"looked after child" ("*plentyn sy'n derbyn gofal*") means a child looked after by a local authority under section 22(1) of the Children Act 1989(1);

"multi-agency learning event" ("*digwyddiad dysgu amlasiantaethol*") is an event which forms part of the child practice review process to which the Board invites practitioners and managers from representative bodies and any other bodies or persons deemed relevant by the Chair of the Board and who are or have been involved with the child(2) who is the subject of the review, with the purpose of improving future child protection policy and practice;

"multi-agency professional forum" ("*fforwm proffesiynol amlasiantaethol*") means a forum, arranged and facilitated by the Board for practitioners and managers from representative bodies and other bodies or persons deemed relevant by the Chair of the Board, with the purpose of learning from cases, audits, inspections and reviews in order to improve future child protection policy and practice."

(2) In regulation 3(1)(e) of the Principal Regulations (Functions of a Board in relation to its objective) for the words "serious case reviews" substitute "child practice reviews".

(1) Adran 65(1) o Ddeddf Plant 2004.

(2) 1989 p.41.

(1) 1989 c.41.

(2) Section 65(1) of the Children Act 2004.

Dirymu rheoliad 4 o'r Prif Reoliadau a mewnosod rheoliadau 4A a 4B

3. Mae rheoliad 4 o'r Prif Reoliadau wedi ei ddiddymu ac yn ei le rhodder y rheoliadau a ganlyn—

"Adolygiadau ymarfer plant

4A.—(1) Rhaid i Fwrdd gynnal adolygiadau ymarfer plant yn unol â'r rheoliad hwn.

(2) Diben adolygiad ymarfer plant yw canfod unrhyw gamau y gall partneriaid y Bwrdd neu gyrff eraill eu cymryd i wella ymarfer amddiffyn plant amlasiantaethol.

(3) Rhaid i Fwrdd gynnal adolygiad ymarfer plant cryno yn unrhyw un o'r achosion canlynol os bydd yn wybyddus bod plentyn, o fewn ardal y Bwrdd, yn cael ei gam-drin neu ei esgeuluso, neu os amheuir hynny, a bod y plentyn—

- (a) (i) wedi marw; neu
- (ii) wedi dioddef anaf a allai roi ei fywyd mewn perygl; neu
- (iii) wedi dioddef nam difrifol a pharhaol i'w iechyd neu i'w ddatblygiad; a,

(b) nad oedd y plentyn ar y gofrestr amddiffyn plant nac yn blentyn a oedd yn derbyn gofal ar unrhyw ddyddiad yn ystod y 6 mis cyn—

- (i) dyddiad y digwyddiad y cyfeirir ato yn is-baragraff (a)(i) neu (a)(ii); neu
- (ii) pan fo is-baragraff (a)(iii) yn gymwys, y dyddiad y mae awdurdod lleol, person neu gorff y cyfeirir atynt yn adran 28 o Ddeddf Plant 2004(1) neu gorff a grybwyllir yn adran 175 o Ddeddf Addysg 2002(2) yn canfod bod plentyn wedi dioddef nam difrifol a pharhaol i'w iechyd ac i'w ddatblygiad.

(4) Rhaid i Fwrdd gynnal adolygiad ymarfer plant estynedig yn unrhyw un o'r achosion canlynol os bydd yn wybyddus bod plentyn, o fewn ardal y Bwrdd, yn cael ei gam-drin, neu os amheuir hynny, a bod y plentyn—

- (a) (i) wedi marw; neu
- (ii) wedi dioddef anaf a allai roi ei fywyd mewn perygl; neu
- (iii) wedi dioddef nam difrifol a pharhaol i'w iechyd neu i'w ddatblygiad; a,
- (b) bod y plentyn ar y gofrestr amddiffyn plant a/neu ei fod yn blentyn a oedd yn derbyn gofal ar unrhyw ddyddiad yn ystod y 6 mis cyn—
- (i) dyddiad y digwyddiad y cyfeirir ato yn is-baragraff (a)(i) neu (a)(ii); neu

(1) 2004 p.31.

(2) 2002 p.32.

Revocation of regulation 4 of the Principal Regulations and insertion of regulations 4A and 4B

3. Regulation 4 of the Principal Regulations is revoked and substituted by the following regulations—

"Child practice reviews

4A.—(1) A Board must undertake child practice reviews in accordance with this regulation.

(2) The purpose of a child practice review is to identify any steps that can be taken by Board partners or other bodies to achieve improvements in multi-agency child protection practice.

(3) A Board must undertake a concise child practice review in any of the following cases where, within the area of the Board, abuse or neglect of a child is known or suspected and the child has—

- (a) (i) died; or
- (ii) sustained potentially life threatening injury; or
- (iii) sustained serious and permanent impairment of health or development; and,

(b) the child was neither on the child protection register nor a looked after child on any date during the 6 months preceding—

- (i) the date of the event referred to in sub-paragraph (a)(i) or (a)(ii); or
- (ii) where sub-paragraph (a)(iii) applies, the date on which a local authority, person or body referred to in section 28 of the Children Act 2004(1) or body mentioned in section 175 of the Education Act 2002(2) identifies that a child has sustained serious and permanent impairment of health and development.

(4) A Board must undertake an extended child practice review in any of the following cases where, within the area of the Board, abuse of a child is known or suspected, and the child has—

- (a) (i) died; or
- (ii) sustained potentially life threatening injury; or
- (iii) sustained serious and permanent impairment of health or development; and,
- (b) the child was on the child protection register and/or was a looked after child on any date during the 6 months preceding—
- (i) the date of the event referred to in sub-paragraph (a)(i) or (a)(ii); or

(1) 2004 c.31.

(2) 2002 c.32.

- (ii) pan fo is-baragraff (a)(iii) yn gymwys, y dyddiad y mae awdurdod lleol, person neu gorff y cyfeirir atynt yn adran 28 o Ddeddf Plant 2004(1) neu gorff a grybwyllir yn adran 175 o Ddeddf Addysg 2002(2) yn canfod bod plentyn wedi dioddef nam difrifol a pharhaol i'w iechyd ac i'w ddatblygiad.

(5) Wrth gynnal adolygiad ymarfer plant, rhaid i'r Bwrdd—

- (a) gofyn i bob corff cynrychioliadol roi gwybodaeth yn ysgrifenedig i'r Bwrdd am ei ymwneud â'r plentyn sy'n destun yr adolygiad;
- (b) sicrhau y ceir safbwynt y plentyn sy'n destun yr adolygiad a bod safbwynt y plentyn yn cyfrannu at y broses adolygu ymarfer plant, i'r graddau y mae'n ymarferol ac yn briodol i amgylchiadau'r achos;
- (c) sicrhau y ceir safbwyntiau aelodau teulu'r plentyn sy'n destun yr adolygiad a bod y safbwyntiau hyn yn cyfrannu at y broses adolygu ymarfer plant, i'r graddau y mae'n ymarferol ac yn briodol i amgylchiadau'r achos;
- (ch) cynnal digwyddiad dysgu amlasiantaethol ar ôl derbyn yr wybodaeth ysgrifenedig y cyfeirir ati yn is-baragraff (a);
- (d) yn achos adolygiad ymarfer plant cryno, sicrhau bod y digwyddiad dysgu amlasiantaethol y cyfeirir ato yn is-baragraff (ch) yn cael ei drefnu a'i hwyluso gan un adolygydd a benodir gan y Bwrdd;
- (dd) yn achos adolygiad ymarfer plant estynedig, sicrhau bod y digwyddiad dysgu amlasiantaethol y cyfeirir ato yn is-baragraff (ch) yn cael ei drefnu a'i hwyluso gan ddau adolygydd a benodir gan y Bwrdd;
- (e) sicrhau bod unrhyw adolygydd y cyfeirir ato yn is-baragraff (d) neu (dd) yn annibynnol ar unrhyw ymwneud uniongyrchol â gwaith achos neu reoli achosion mewn cysylltiad â'r plentyn sy'n destun yr adolygiad;
- (f) llunio adroddiad ar yr adolygiad ymarfer plant sy'n argymhell camau i'w cymryd ar ôl y digwyddiad dysgu amlasiantaethol;

- (ii) where sub-paragraph (a)(iii) applies, the date on which a local authority, person or body referred to in section 28 of the Children Act 2004(1) or body mentioned in section 175 of the Education Act 2002(2) identifies that a child has sustained serious and permanent impairment of health and development.

(5) In undertaking a child practice review the Board must—

- (a) ask each representative body to provide the Board with information in writing about its involvement with the child who is the subject of the review;
- (b) ensure that the perspective of the child who is the subject of the review is obtained and that the child's perspective contributes to the child practice review process, so far as practicable and appropriate to the circumstances of the case;
- (c) ensure that the perspectives of members of the family of the child who is the subject of the review are obtained and that these perspectives contribute to the child practice review process, so far as practicable and appropriate to the circumstances of the case;
- (d) hold a multi agency learning event following receipt of the written information referred to in sub-paragraph (a);
- (e) in the case of a concise child practice review, ensure that the multi - agency learning event referred to in sub-paragraph (d) is organised and facilitated by a single reviewer appointed by the Board;
- (f) in the case of an extended child practice review, ensure that the multi - agency learning event referred to in sub-paragraph (d) is organised and facilitated by two reviewers appointed by the Board;
- (g) ensure that any reviewer referred to in sub-paragraph (e) or (f) is independent of direct involvement in case work or case management in respect of the child who is the subject of the review;
- (h) produce a child practice review report which recommends action to be taken following the multi - agency learning event;

(1) 2004 p.31.

(2) 2002 p.32.

(1) 2004 c.31.

(2) 2002 c.32.

- (ff) sicrhau nad yw'r adroddiad ar yr adolygiad ymarfer plant yn datgelu pwy yw'r plentyn sy'n destun yr adolygiad na theulu'r plentyn na lle y maent;
- (g) llunio cynllun gweithredu gan fanylu ar y camau sydd i'w cymryd gan y cyrff cynrychioliadol i weithredu argymhellion yr adroddiad ar yr adolygiad ymarfer plant;
- (ng) rhoi'r adroddiad ar yr adolygiad ymarfer plant a'r cynllun gweithredu i Weinidogion Cymru;
- (h) trefnu bod yr adroddiad ar yr adolygiad ymarfer plant ar gael i'r cyhoedd;
- (i) cynnal adolygiadau cynnydd cyfnodol ar roi'r cynllun gweithredu ar waith;
- (j) rhoi i Weinidogion Cymru adroddiad ysgrifenedig ar ôl unrhyw adolygiad cynnydd y cyfeirir ato yn is-baragraff (i), gan adrodd ar y cynnydd o ran rhoi'r cynllun gweithredu ar waith a'r effaith ar bolisi ac ymarfer amddiffyn plant yng Nghymru;
- (l) rhoi sylw i unrhyw ganllawiau a roddir iddo gan Weinidogion Cymru, drwy arfer ei swyddogaethau o dan y rheoliad hwn.

Fforymau proffesiynol amlasiantaethol

4B. Rhaid i'r Bwrdd drefnu a hwyluso rhaglen flynyddol o fforymau proffesiynol amlasiantaethol."

- (i) ensure that the child practice review report does not reveal the identity or whereabouts of the child who is the subject of the review or the child's family;
- (j) produce an action plan detailing action to be taken by the representative bodies to implement the recommendations of the child practice review report;
- (k) provide the child practice review report and action plan to the Welsh Ministers;
- (l) make the child practice review report publicly available;
- (m) undertake periodic progress reviews on the implementation of the action plan;
- (n) provide a written report to the Welsh Ministers following any progress review referred to in sub-paragraph (m), reporting on progress in implementing the action plan and the impact on child protection policy and practice in Wales;
- (o) have regard to any guidance given to it by the Welsh Ministers, in exercising its functions under this regulation.

Multi-agency professional forums

4B. The Board must arrange and facilitate an annual programme of multi-agency professional forums."

Gwenda Thomas

Dirprwy Weinidog Plant a Gwasanaethau Cymdeithasol o dan awdurdod y Gweinidog Iechyd a Gwasanaethau Cymdeithasol o dan awdurdod Gweinidogion Cymru

Deputy Minister for Children and Social Services under the authority of the Minister for Health and Social Services under the authority of the Welsh Ministers

30 Mehefin 2012

30 June 2012

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